

RECEIVED P. 16  
CENTRAL FAX CENTER  
OCT 11 2004PATENT  
5468-05000/AUS9000386US1IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of:  
Smith, Jr. et al.

Serial No. 09/662,431

Filed: September 13, 2000

For: AUTOMATIC UPDATE OF A  
DIRECTORY ENTRY WITHIN A  
DIRECTORY OF AN ELECTRONIC  
COMMUNICATION DEVICE BY  
ELECTRONIC NOTIFICATIONGroup Art Unit: 2643  
Examiner: Pham, T.

Atty. Dkt. No. AUS9000386US1

I hereby certify that this correspondence is being transmitted via facsimile or deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below.

10/11/2004  
Date

Kevin L. Duffer

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER CO-PENDING APPLICATIONS

Box Non-Fee Amendment  
Assistant Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir/Madam:

1. International Business Machines Corporation is the owner of all rights in the captioned application.
2. As sole owner in the captioned application, International Business Machines Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,603,839.
3. International Business Machines Corporation hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

4. In making the above disclaimer, International Business Machines Corporation does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,603,839 as presently shortened by any terminal disclaimer, in the event that it later: (i) expires for failure to pay a maintenance fee, (ii) is held unenforceable, (iii) is found invalid by a court of competent jurisdiction, (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (v) has all claims canceled by a reexamination certificate, (vi) is reissued, or (vii) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

5. International Business Machines Corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above.

6. The undersigned, being an appointed attorney or agent of record, is empowered to act on behalf of International Business Machines Corporation. The Commissioner is authorized to charge the terminal disclaimer fee under 37 CFR 1.20(d) to Conley Rose, P.C. Deposit Account No. 50-3268/5468-05000.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under United States Code, Title 18 § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Kevin L. Daffer  
Reg. No. 34,146  
Attorney for Applicant(s)

Conley Rose, P.C.  
P.O. Box 684908  
Austin, TX 78768-4908  
(512) 476-1400  
Date: October 11, 2004